FEDERAL REGISTER

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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[P–1940–1]

PART 741—1940 PARITY PAYMENT REGULATIONS*

SUPPLEMENT NO. 1

By virtue of the authority vested in the Secretary of Agriculture by the item entitled "Parity Payments" under the head "Conservation and Use of Agricultural Land Resources, Department of Agriculture," contained in the Department of Agriculture Appropriation Act, 1940 (Title I of Public Law No. 159, 76th Congress, approved June 30, 1939; 53 Stat. 974), and pursuant to the provisions of Sections 301 and 303 of the Agricultural Adjustment Act of 1938, approved February 16, 1938 (Public Law No. 430, 75th Congress, 3d Session; 52 Stat. 43, 45), the 1940 Parity Payment Regulations,[1] as approved on October 18, 1939, are hereby amended as follows:

1. Section 741.103 is hereby amended to read as follows:

§ 741.103 *Rate of payment.* The rate of payment with respect to each commodity shall be as follows:

(a) *Cotton.* 1.55 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton allotment.

(b) *Corn.* 5 cents per bushel of the normal yield per acre of corn for the farm for each acre in the corn allotment.

(c) *Wheat.* 10 cents per bushel of the normal yield per acre of wheat for the farm for each acre in the wheat allotment.

(d) *Rice.* 1.7 cents per hundredweight of the normal yield per acre of rice for the farm for each acre in the rice allotment.

(e) *Tobacco.* No parity payments shall be made with respect to tobacco, since the average farm price of each kind of tobacco, as defined in Section 301 of the Agricultural Adjustment Act equals or exceeds 75 per centum of the parity price of such kind of tobacco.

2. Section 741.108 is hereby deleted and sections 741.109 to 741.113, inclusive, are renumbered as sections 741.108 to 741.112, respectively.†

Done at Washington, D. C., this 12th day of February 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40–655; Filed, February 13, 1940; 12:04 p. m.]

*Issued under the authority contained in the item entitled "Parity Payments", 53 Stat. 974; and Sections 301 and 303, 52 Stat. 43, 45.

[1] 4 F.R. 4296.

CHAPTER IX—DIVISION OF MARKETING AND MARKETING AGREEMENTS

[Order No. 32, as Amended, Amendment 1]

PART 932—AMENDENT NO. 1 TO AMENDED ORDER REGULATING HANDLING OF MILK IN FORT WAYNE, INDIANA, MARKETING AREA*

MARKETING ORDERS

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Whereas, H. A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon him by Public Act No. 10, 73d Congress, as amended (48 Stat. 31) and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), issued, effective October 15, 1938, Order No. 32, regulating the handling of milk in the Fort Wayne, Indiana, marketing area, and issued, effective September 1, 1939, Order No. 32, as amended,[1] regulating the handling of milk in the Fort Wayne, Indiana, marketing area; and

Whereas, the Secretary, having reason to believe that an amendment to said Order No. 32, as amended, regulating the

*Amendments to Section 932.0 and Sec. 932.4, issued, under the authority contained in 48 Stat. 31 (1933), 7 U.S.C. § 601 et seq. (1934); 49 Stat. 750 (1935); 50 Stat. 246 (1937), 7 U.S.C. § 601 et seq. (Supp. IV, 1938).

[1] 4 F.R. 3723.

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FEDERAL REGISTER

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handling of milk in the Fort Wayne, Indiana, marketing area, would tend to effectuate the declared policy of said act, gave, on the 22d day of November 1939, notice of a public hearing [2] to be held at Fort Wayne, Indiana, which hearing was held on the 28th day of November 1939 on a proposal to amend said Order No. 32, as amended, and at said time and place conducted a public hearing at which all interested parties were afforded an opportunity to be heard on the proposal to amend said Order No. 32, as amended; and

Whereas, after such hearing handlers of more than fifty percent of the volume of milk covered by such order, as amended, which is marketed within the Fort Wayne, Indiana, marketing area, refused or failed to sign a tentatively approved marketing agreement, as amended, relating to milk; and

Whereas, the requirements of section 8c (9) of said act have been complied with; and

Whereas, the Secretary finds, upon the evidence introduced at the above-mentioned public hearing, said findings being in addition to the findings made upon the evidence introduced at the hearing on said order, and at the hearing on said order, as amended, and being in addition to the other findings made prior to or at the time of the original issuance of said order and of said order, as amended (all of which findings are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth):

§ 932.0 *Findings.* (1) That the prices calculated to give milk handled in said marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and section 8e of said act, are not reasonable in view of the prices of feeds, the available supplies of feeds, and other economic conditions which affect the market supply of and the demand for milk, and that the minimum prices set forth in this amendment to said order, as amended, are such prices as will reflect such factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(2) That the order, as amended, and as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to handlers specified in the tentatively approved marketing agreement, as amended, upon which a hearing has been held; and

(3) That the issuance of this amendment to the order, as amended, and all of its terms and conditions, as so amended, will tend to effectuate the declared policy of the act:

Now, therefore, the Secretary of Agriculture, pursuant to the powers conferred upon him by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, hereby orders that the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area be and it is hereby amended as follows:

1. Delete § 932.4 (a) and substitute therefor the following: (a) Class I price—Each handler shall pay producers, in the manner set forth in § 932.8, for the 4 percent butterfat content equivalent of Class I milk received at such handler's plant not less than $2.25 per hundredweight.

2. Delete § 932.4 (b) and substitute therefor the following: (b) Class II price—Each handler shall pay producers, in the manner set forth in § 932.8, for the 4 percent butterfat content equivalent of Class II milk received at such handler's plant not less than $2.00 per hundredweight.

Now, therefore, H. A. Wallace, Secretary of Agriculture, acting under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, for the purposes and within the limitations therein contained and not otherwise, does hereby execute in duplicate and issue this amendment to the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area, under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 12th day of February, 1940, and declare this amendment to be effective on and after the 15th day of February, 1940.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-656; Filed, February 13, 1940; 12:04 p. m.]

[2] 4 F.R. 4671.

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 62—RESERVE OFFICERS' TRAINING CORPS [1]

§ 62.15. *Eligibility to membership.* (a) Eligibility to membership in the Reserve Officers' Training Corps is limited to students at institutions in which units of such corps may be established, who are citizens of the United States, who are not less than 14 years of age, and whose bodily condition is such as to meet the physical requirements specified herein.

Enrollments of students who have passed their twenty-sixth birthday will not be made in the Reserve Officers' Training Corps, except that in Medical Corps units students may be enrolled whose requirements for appointment in the Medical Reserve Corps can be fulfilled before attaining the age of thirty-five. No member of the active personnel of the Army, Navy or Marine Corps of the United States, nor any commissioned officer of the National Guard or Naval Militia, nor Reserve officer of the military forces of the United States is eligible for membership in the Reserve Officers' Training Corps, except that a Reserve officer who is also a medical student may be admitted to a Medical Corps unit. Members of the Naval or Marine Corps Reserve are not eligible for membership in the Reserve Officers' Training Corps. The fact that an applicant is a member of the Regular Army Reserve does not make him ineligible for enrollment providing he is otherwise qualified. See Ops. J.A.G. June 6, 1917; January 10, 1919; July 28, 1920; October 5, 1921; and October 11, 1938.

(b) A student holding a certification for appointment as a reserve officer or a student formerly commissioned in the Officers' Reserve Corps will not be enrolled in the Reserve Officers' Training Corps without the express authority of the corps area commander in each case, and then only in a unit of an arm other than that in which he is certified for appointment or was formerly commissioned, as the case may be.

(c) A student will not be enrolled in the Reserve Officers' Training Corps, nor will there be issued to him a Government uniform or commutation therefor, until and unless he meets all the prescribed requirements and has been selected by proper authority to pursue the Reserve Officers' Training Corps course. (See section 62.17). (Sec. 40, 39 Stat. 191; sec. 33, 41 Stat. 776; 10 U.S.C 381; sec. 44, 39 Stat. 192; 10 U.S.C. 382) [Par. 18, AR 145-10, May 28, 1931, as amended by C3, Jan. 2. 1940]

[1] Sections 62.15; 62.22, par. (s); 62.23, pars. (a) and (d); 62.25; and 62.30 are amended and § 62.28a is added.

§ 62.22 *Training, senior division*

* * * * * *

(s) *Military training certificate.* Upon application, a military training certificate (W.D., A.G.O. Form No. 134) will be issued by the professor of military science and tactics to each student (except to those commissioned in the Officers' Reserve Corps or issued certifications for appointment) enrolled in a senior division of the Reserve Officers' Training Corps upon the termination of his instruction therein. This certificate will show the course pursued and the military qualification attained. (Sec. 40, as amended by sec. 33, 41 Stat. 776; 10 U.S.C. 381) [Par. 57, AR 145–10, May 28, 1931, as amended by C3, Jan. 2, 1940]

§ 62.23 *Training junior division*—(a) *Essentially military school units (Class MS).* Junior division training in essentially military school units will consist of a 4 years' course of theoretical and practical instruction corresponding to the 4 highest academic years in the institution. Its scope will include training equivalent to the basic course, infantry units, senior division, supplemented by appropriate subjects from the advanced course. The program of instruction covering the above 4 years' course is published by the War Department. This training will not be curtailed or compressed.

* * * * * *

(d) *Military training certificate.* Upon application, a military training certificate (W. D., A. G. O. Form No. 134) will be issued by the professor of military science and tactics to each student enrolled in a junior division of the Reserve Officers' Training Corps upon the termination of his instruction therein (except to those commissioned in the Officers' Reserve Corps or issued certifications for appointment). The certificate will show the course pursued and the military qualification attained. (Sec. 40, 39 Stat. 191; sec. 33, 41 Stat. 776; 10 U.S.C. 381) [Pars. 58, 61, AR 145–10, May 28, 1931, as amended by C3, Jan. 2, 1940]

§ 62.25 *Honor High Schools.* (a) Based upon the results of the corps area annual inspection, corps area commanders will designate and announce annually as honor high schools such schools in their respective corps areas as have attained an exceptionally high standard of training and discipline. In communities where two or more separate high schools are located the separate schools may be separately considered for the honor rating.

(b) The names of the schools designated as honor high schools in each corps area will be announced and reported to The Adjutant General not later than July 1 of each year. A combined list of all the honor high schools will be published annually by the War Department. (Sec. 40, 39 Stat. 191; sec. 33, 41 Stat. 776; 10 U.S.C. 381) [Par. 78, AR 145–10, May 28, 1931, as amended by C3, Jan. 2, 1940]

§ 62.28a *Uniforms and Insignia.* Graduates holding certificates of eligibility for appointment as second lieutenants in the Officers' Reserve Corps are authorized to wear the prescribed uniform of the organization from which they graduated until they attain the age when they become eligible for such appointment (21 years). The occasions on which the uniform may be worn are the same as those prescribed for Reserve officers not on active duty. (Sec. 40, as amended by sec. 33, 41 Stat. 776; 10 U.S.C. 381) [Par. 72½, AR 145–10, May 28, 1931, as added by C3, Jan. 2, 1940]

§ 62.30 *Appointment from the senior division.* (a) Graduates of the senior division of the Reserve Officers' Training Corps may be appointed as Reserve officers upon satisfactory completion of the course of training prescribed by law and regulations. Appointments are made only in the lowest authorized grade of the proper section.

(b) Students who fail to graduate from the institution but who complete successfully the prescribed Reserve Officers' Training Corps course in any arm or service except the Medical Department and have successfully completed one advanced course camp may be appointed in the Officers' Reserve Corps upon the recommendation of the professor of military science and tactics and the head of the institution, concurred in by the chief of the arm or service concerned. Without such recommendations no such student will be considered eligible for appointment in the Officers' Reserve Corps until after 1 year from the date on which he would have graduated at the institution. For the Medical Department Reserve the award of the professional degree is a prerequisite to appointment.

(c) Students of Medical Department units of the Reserve Officers' Training Corps who complete the prescribed course for such units prior to qualifying for their professional degree will not be appointed in the Medical Department sections of the Officers' Reserve Corps until evidence is submitted that such students have actually obtained their professional degree.

(d) During the period of commencement the commissions or certifications for appointment will be formally presented to those entitled to receive them with such ceremony as the head of the institution may prescribe. (Sec. 40, as amended by sec. 33, 41 Stat. 776; 10 U.S.C. 381) [Par. 83, AR 145–10, May 28, 1931, as amended by C3, Jan. 2, 1940]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40–651; Filed, February 12, 1940; 3:33 p. m.]

CHAPTER VII—PERSONNEL

PART 74—ENLISTMENT OF FLYING CADETS[1]

§ 74.2 *Applications*

* * * * *

(b) *Manner of submitting.*

* * * * *

(5) A duly authenticated copy of a municipal or other official record of birth, or if no official record of birth can be obtained; an affidavit of the parent or guardian stating the date of birth of the applicant and a specific statement why an official record cannot be obtained. This affidavit must be accompanied by—

(i) A baptismal certificate, or the affidavit of the physician or midwife in attendance at the birth of the applicant, or

(ii) The affidavit of at least two persons not related to the applicant testifying from their own personal knowledge as to the date of birth of the applicant. (41 Stat. 109; sec. 1, 44 Stat. 780; 10 U.S.C. 297) [Par. 3 *e*, AR 615-160, July 20, 1938, as amended by Cir. 16, W. D., Feb. 7, 1940]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40–654; Filed, February 13, 1940; 11:34 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

RESCISSION OF FORMS U–6B7–1, U–10–1, U–10–2, U–12D–1, U–12D–2 AND RULES U–6B7–1 AND U–10A–1; ADOPTION OF FORM U–1 AND RULE U–7; REVISION OF RULE U–6B7–1

Acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly Sections 6 (b), 7, 10, 12 (b), 12 (c), 12 (d), 12 (f) and 20 (a) thereof, and finding that such action is appropriate in the public interest and for the protection of investors and consumers and to carry out the provisions of said Act, the Securities and Exchange Commission hereby rescinds, as of February 20, 1940, Forms U–6B7–1 [Sec. 259. U–6B7–1], U–10–1 [Sec. 259. U–10–1], U–10–2 [Sec. 259. U–10–2], U–12D–1 [Sec. 259. U–12D–1], U–12D–2 [Sec. 259. U–12D–2] and Rules U–6B7–1 [Sec. 250. U–6B7–1] and U–10A–1 [Sec. 250. U–10A–1], and hereby adopts Form U–1 [Secs. 259. U–1] and Rule U–7 [Sec. 250. U–7] and amends Rules U–12C–1 [Sec. 250. U–12C–1], U–12C–2 [Sec. 250. U–12C–2], U–12C–3

[1] Section 74.2, par. (b) (5), is amended.

[Sec. 250. U–12C–3], U–12D–1 [Sec. 250. U–12D–1] and U–12F–1 [Sec. 250. U–12F–1] as indicated in said Rule U–7 [Sec. 250. U–7], and revises Rule U–6B7–1 [Sec. 250. U–6B7–1], the new Rule U–7 [Sec. 250. U–7] and the amended Rule U–6B7–1 [Sec. 250. U–6B7–1] to read as follows:

§ 250. U–7 (*Rule U–7*) *Form for use by a registered holding company or subsidiary company with respect to certain transactions.* (a) An application or declaration filed with the Commission pursuant to Sections 6 (b), 7, 10, 12 (b), 12 (c), 12 (d) or 12 (f) [C. 687, sec. 6, 49 Stat. 814; 15 U.S.C., Sup. III, 79f: C. 687, sec. 7, 49 Stat. 815; 15 U.S.C., Sup. III, 79g: C. 687, sec. 10, 49 Stat. 818; 15 U.S.C., Sup. III, 79j; C. 687, sec. 12, 49 Stat. 823; 15 U.S.C., Sup. III, 79l] of the Act, or any rule of the Commission thereunder, shall comply with the requirements of Form U–1 [Sec. 259. U–1], designated "Adopted February 2, 1940", and the instructions for the use of that form, in lieu of the requirements as to said applications or declarations heretofore in effect pursuant to Rules U–12C–1 [Sec. 250. U–12C–1], U–12C–2 [Sec. 250. U–12C–2], U–12C–3 [Sec. 250. U–12C–3], U–12D–1 [Sec. 250. U–12D–1] and U–12F–1 [Sec. 250. U–12F–1].

(b) Until February 20, 1940, any application or declaration subject to paragraph (a) of this rule may be filed either on Form U–1 [Sec. 259. U–1] or on the superseded form or pursuant to paragraph (b) of Rules U–12C–1 [Sec. 250. U–12C–1], U–12D–1 [Sec. 250. U–12D–1] or U–12F–1 [Sec. 250. U–12F–1].[1] [Gen. Rules and Regs., Rule U–7, effective February 12, 1940]

§ 250. U–6B7–1 (*Rule U–6B7–1*) *Procedure by which Declarations Become Effective.* A declaration under Section 7 [C. 687, sec. 7, 49 Stat. 815; 15 U.S.C., Sup. III, 79g] of the Act shall become effective only at such time as the Commission shall fix by order. Every order for hearing on such a declaration shall include an order to declarant to show cause why such declaration shall become effective.

Effective February 12, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40–653; Filed, February 12, 1940; 4:33 p. m.]

TITLE 41—PUBLIC CONTRACTS

CHAPTER II—DIVISION OF PUBLIC CONTRACTS

DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE CEMENT INDUSTRY

This matter is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes." The Public Contracts Board, created in accordance with Section 4 of the said Act by administrative Order dated October 6, 1936, held a hearing on April 5, 1938 in the above-entitled matter.

Notice of the hearing was sent to all known members of the industry, to trade unions, to trade publications, and to trade associations in the field. Invitation to attend the hearing was also extended through the national press to all other interested parties.

Appearances were made at the hearing by 19 members of the industry, 7 of whom testified. Testimony was also given by the National Council of United Cement Workers (now known as the United Cement, Lime, and Gypsum Workers International Union), and by the American Federation of Labor.

A table showing as of October 1937 the total number of employees, the number of employees at the base rate, and the base rate, in the principal cement plants of the United States, prepared and presented by an industry committee headed by Mr. W. H. Klein of the Penn-Dixie Corporation of Nazareth, Pennsylvania, was received in evidence. The plants included in the tabulation were identified by plant name and location. Information as to each plant was obtained by the Industry Committee from the plant itself.

On the basis of the evidence the Board made its recommendations which were circularized by the Administrator of the Division of Public Contracts to give parties an opportunity to register their objection thereto or their approval thereof.

Briefs were received from 19 members of the industry and from the American Federation of Labor for the then National Council of United Cement Workers and on March 13, 1939 that organization requested a rehearing in the matter of the prevailing minimum wages in the Cement Industry, alleging that changes in the wage structure in the industry since October 1937 were such that evidence as to the changes should be received before any minimum wage determination be made. Thereafter, the Industry Committee submitted a new tabulation bringing down to March 1939 the information which was contained in the original tabulation prepared by the Industry Committee as of October 1937.

On August 19, 1939 the American Federation of Labor, for the then National Council of United Cement Workers, filed a petition for the review and reconsideration of the recommendations made by the Public Contracts Board in the light of the revised data as submitted by the Industry Committee. Thereafter, in the light of the evidence as to changes in the wage structure the Board changed its recommendations in some particulars.

The Administrator served on all known members of the Industry, and other known interested parties, a copy of the Board's supplemental recommendations, a copy of the Union's petition for review and reconsideration, and a copy of the revised table prepared by the Industry Committee. The Administrator advised the members of the industry of their opportunity to take issue with any of the fact statements set forth in the table, or to register their objections to or their approval of the recommendations of the Public Contracts Board as revised, before any determination should be made by the Secretary of Labor.

Thereafter, briefs were received from the now United Cement, Lime, and Gypsum Workers International Union, and from 9 industry members.

I have considered the record in this matter, the findings and recommendations of the Board, and the briefs which have been submitted with reference to those findings and recommendations. Those briefs have generally made objection to the recommendation of lower wages for one part of a "competitive area" than for another.

For the main part such objections have been raised by members of the industry with plants close to the borders of the localities recommended by the Board. The difficulties experienced by border line cases are inherent in any delimitation of locality and the final determination of the boundaries of a particular locality must rest upon a consideration of many characteristics exhibited by the particular industry and the existence of competition in one direction, although an important fact, is not in itself necessarily controlling.

Upon a consideration of all the facts presented concerning the industry, it is my conclusion that the Board's findings and recommendations, dated July 19, 1938, as amended by the supplemental recommendations dated September 1, 1939, with respect to the prevailing minimum wages in the industry as hereinafter defined are sustained by the evidence. I therefore adopt those findings and recommendations.

I hereby determine:

That the Cement Industry, as that term is used in this decision, shall be understood to include the manufacture of Portland cements, including modified Portland cement, such as Portland masonry cement and Portland-puzzolan cement.

That the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) for the manufacture and furnishing of the products of the Cement Industry are the amounts indicated for each of the following groups of States, whether arrived at on a time or piece rate basis:

(1) Within the States of Pennsylvania, New York, New Jersey, Maryland, West Virginia, Ohio, Delaware, Massachusetts, Connecticut, Rhode Island, Vermont,

[1] C. 687, sec. 6, 49 Stat. 814; 15 U.S.C., Sup. III, 79f: C. 687, sec. 7, 49 Stat. 815; 15 U.S.C., Sup. III, 79g: C. 687, sec. 10, 49 Stat. 818; 15 U.S.C., Sup. III, 79j: C. 687, sec. 12, 49 Stat. 823; 15 U.S.C., Sup. III, 79l: C. 687, sec. 20, 49 Stat. 833; 15 U.S.C., Sup. III, 79t.

New Hampshire, and the District of Columbia, 57 cents an hour or $22.80 per week of forty hours;

(2) Within the State of Maine, 50 cents an hour, or $20.00 per week of forty hours;

(3) Within the States of Michigan, Indiana, and Kentucky, 50 cents an hour, or $20.00 per week of forty hours;

(4) Within the State of Illinois, 63½ cents an hour, or $25.40 per week of forty hours;

(5) Within the States of Wisconsin, Minnesota, Iowa, and Missouri, 55 cents an hour, or $22.00 per week of forty hours;

(6) Within the States of South Dakota, Nebraska, Kansas, and North Dakota, 50 cents an hour, or $20.00 per week of forty hours;

(7) Within the States of Colorado, Wyoming, Utah, Montana, Idaho, Oregon, Nevada, Arizona, and New Mexico, 55 cents an hour, or $22.00 per week of forty hours;

(8) Within the State of Washington, 70 cents an hour, or $28.00 per week of forty hours;

(9) Within the State of California, 62½ cents an hour, or $25.00 per week of forty hours;

(10) Within the States of Oklahoma, and Texas, 47 cents an hour, or $18.80 per week of forty hours;

(11) Within the States of Arkansas, Louisiana, Alabama, Tennessee, Virginia, Georgia, Florida, Mississippi, North Carolina, and South Carolina, 40 cents an hour or $16.00 per week of forty hours.

This determination shall be effective and the minimum wages hereby established shall apply to all such contracts, bids for which are solicited on or after March 2, 1940.

Dated, February 2, 1940.

[SEAL] FRANCES PERKINS,
Secretary.

[F. R. Doc. 40–660; Filed, February 13, 1940; 12:39 p. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Division of Marketing and Marketing Agreements.

DETERMINATION OF THE SECRETARY OF AGRICULTURE, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO AMENDMENT NO. 1 TO ORDER NO. 32, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE FORT WAYNE, INDIANA, MARKETING AREA

Whereas, the Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, effective October 15, 1938, Order No. 32 [1] regulating the handling of milk in the Fort Wayne, Indiana, marketing area and issued, effective September 1, 1939, Order No. 32, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area; and

Whereas, the Secretary, having reason to believe that an amendment to said Order No. 32, as amended, would tend to effectuate the declared policy of the act, gave, on the 22nd day of November 1939, notice of a public hearing [2] which was held at Fort Wayne, Indiana, on the 28th day of November 1939, on a proposal to amend said Order No. 32, as amended, and at said time and place conducted a public hearing at which all interested parties were afforded an opportunity to be heard on said proposal; and

Whereas, after said public hearing and after the tentative approval by the Secretary, on January 23, 1940, of a marketing agreement, as amended, handlers of more than fifty percent of the volume of milk covered by such Order No. 32, as amended, which is marketed within the Fort Wayne, Indiana, marketing area, refused or failed to sign such tentatively approved marketing agreement relating to milk:

Now, Therefore, the Secretary of Agriculture, pursuant to the powers conferred upon him by said act, hereby determines:

1. That the refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. That the issuance of the proposed amendment to said order, as amended, is the only practical means, pursuant to such policy, of advancing the interests of producers of milk which is produced for sale in said area; and

3. That the issuance of the proposed amendment to said order, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of October 1939, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States, has executed this determination in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 9th day of February 1940.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT,
The President of the United States.

Dated, February 10, 1940.

[F.R. Doc. 40–657; Filed, February 13, 1940; 12: 04 p. m.]

[1] 4 F.R. 3723.
[2] 4 F.R. 4671.

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5812]

IN RE APPLICATION OF ANTHRACITE BROADCASTING CO. INC., (NEW)

Dated October 21, 1939; for construction permit; class of service, broadcast; class of station, broadcast; location, Scranton, Pa.; operating assignment specified: frequency, 1350 kc.; power, 250 w. night, 250 w. day; hours of operation, unlimited

[File No. B2–P–2575]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal technical, financial and other qualifications of the applicant to construct and operate the proposed station;

2. To determine whether the granting of the application will tend toward a fair, efficient and equitable distribution of radio service;

3. To determine whether the public interest, convenience or necessity would be better served by the operation of the station proposed by the applicant than by the station which the Commission has authorized the Union Broadcasting Company (WARM) to operate;

4. To determine the nature, extent and effect of any interference which would result should the proposed station operate simultaneously with Station WARM, or the station proposed in the pending application of Herbert L. Wilson, (File No. B1–P–2678).

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Sec-

tion 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Anthracite Broadcasting Company, Inc.
802 Union National Bank Building,
Washington and Lackawanna Avenues,
Scranton, Pennsylvania.

Dated at Washington, D. C., February 10, 1940.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40–652; Filed, February 12, 1940; 3:40 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of February, A. D. 1940.

[File No. 67–8]

IN THE MATTER OF GREAT LAKES UTILITIES COMPANY

NOTICE OF FILING OF DECLARATION

Notice is hereby given that Great Lakes Utilities Company, a registered holding company, has filed a declaration with this Commission pursuant to Rule U–12B–1 promulgated under the Public Utility Holding Company Act of 1935, relating to a proposed loan on open account in the sum of $7,000 by said Great Lakes Utilities Company to the Ohio Gas, Light & Coke Company, a majority owned subsidiary of said declarant. Said declaration states that the money so loaned will be used by the Ohio Gas, Light & Coke Company to assist it in meeting current obligations, said subsidiary's current cash having been depleted on account of incidental expenses incurred in converting its system from manufactured to natural gas.

Said Great Lakes Utilities Company has requested that the Commission permit such declaration to become effective as promptly as possible, and prior to the twentieth day after its filing.

Pursuant to the provisions of Rule U–12B–1, said declaration will become effective on the twenty-eighth day of February, 1940, or on the twentieth day after the filing of the last amendment to such declaration, if any amendments thereto be filed, unless prior to that day the Commission shall issue an order for hearing on such declaration, or unless the declarant designates a later date in any amendment to said declaration or in written or telegraphic notice to the Commission, or unless the Commission shall grant the aforesaid request of said declarant and permit such declaration to become effective prior to the twenty-eighth day of February, 1940, but in no event earlier than February 20, 1940.

Notice is given to States, State commissions, State securities commissions, municipalities, and other political subdivisions of a State, to consumers and security holders, and to representatives of consumers or of security holders, and to all other persons, of the filing of the aforesaid declaration, and any request that a hearing be held with respect to said declaration, shall be filed with the Commission not later than February 17, 1940. Any such request for hearing shall include a statement of reasons why such hearing is requested.

Pursuant to direction of the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40–658; Filed, February 13, 1940; 12:35 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of February, A. D. 1940.

[File No. 67–6]

IN THE MATTER OF SOUTHEASTERN ELECTRIC AND GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration and amendment thereto pursuant to Rule U–12B–1 promulgated under Section 12 (b) of the Public Utility Holding Company Act of 1935 having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing in such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on February 23, 1940 at 10: 00 o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declaration shall become effective.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 19, 1940.

The matter concerned herewith is in regard to an extension of credit by Southeastern Electric and Gas Company, a registered holding company, of $53,500 to Eastern Power Company, a holding company subsidiary of the declarant. Said declaration states that the proceeds, together with other funds, are to be used by Eastern Power Company for the purpose of paying interest due March 1, 1940, amounting to $83,750 on its 5% collateral note payable to The Chase National Bank of the City of New York. The principal amount of said note is $3,350,000.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40–659; Filed, February 13, 1940; 12:35 p. m.]